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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,889	02/19/2002	Norbert Loebig	449122021200	6261

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 MORRISON & FOERSTER LLP
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EXAMINER

TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,889

Applicant(s)

LOEBIG, NORBERT

Examiner

Benny Q. Tieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Silver (U.S. Patent No. 6,240,174).

Regarding claim 1, Silver teaches a method for updating subscriber-related data records, which are stored locally in a number of service devices in a switching network, comprising:

providing administrative measures, for each data record which is stored in one of the service devices, to store a list of the addresses of the other service devices which store the data record (column 7, line 35 through column 8, line 8), and

addressing each data record in a standard manner throughout the network, wherein a change to the data record is carried out on one of the service devices which stores the corresponding data record, and the service device reports the change throughout the network to the other service devices (column 8, lines 55-67).

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Regarding claim 2, Silver further teaches the method wherein the service devices are included in the peripherals of a communications system (Fig. 4, 405, 415, 425).

Regarding claim 3, Silver further teaches the method wherein the service devices are included in the network nodes of a switching network (Fig. 2).

Regarding claim 4, Silver further teaches the method wherein the lists are updated in the course of administration of the switching network or of the communications system (column 7, lines 2-22).

Regarding claim 5, Silver further teaches the method wherein an old data record is stored until the initiation of the network-wide or switching-center-wide updating by the customer (column 6, lines 35-44).

Regarding claim 6, Silver further teaches the method wherein the data record is updated by the service devices which initially have a new data record during a background process for successive updating of the other service devices (column 8, lines 9-32).

Regarding claim 7, Silver further teaches the method wherein repeated cyclic updating attempts are performed in the background process if the service devices to be updated are inaccessible or the attempts are unsuccessful (column 6, lines 56-65).

Regarding claim 8, it is inherent that the method comprising utilizing connections which have been made temporarily between the service devices in order to update the data records because these updates would not last forever.

Regarding claim 9, Silver further teaches the method wherein an update-specific communication occurs between the service devices via a switching-center-internal message distribution system or, throughout the network, via ISDN user-to-user signaling, or switching-

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center internally and throughout the network via the Internet Protocol (column 3, lines 29-37 and column 6, lines 54-55).

Regarding claim 10, Silver further teaches the method wherein a number of data records are updated via one updating connection (column 8, lines 29-32).

Regarding claim 11, Silver further teaches the method wherein the updating format is defined in the course of the communication between the service devices (column 8, lines 32-54).

Regarding claim 12, Silver further teaches the method wherein the time required for updating is reduced by multiple channel connection and/or multiple starting of the background process (column 8, lines 9-32).

Regarding claim 13, Silver further teaches the method further comprising updating a time stamp to the update to prevent the current data record from being overwritten by older data records when a number of updating background processes are carried out at the same time (column 8, lines 9-32).

Regarding claim 14, Silver further teaches the method wherein activation of the background processes of service devices which are still in operation is carried out to update service devices which are being taken back into operation again after repair (column 8, lines 9-32).

Response to Arguments

3. Applicant's arguments filed July 14, 2004 have been fully considered but they are not persuasive. Applicant states that OCANEQ service devices in Applicant's invention maintain an address list including the addresses of the remaining OCANEQ service devices in the network

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and that a central device, such as an SMS or EMS disclose in Silver patent, is not required to disseminate data sets with the network. The Examiner respectfully disagrees. The Examiner interprets EMS server 431 in Silver patent is one of the service devices and regional IPs 405, 415, 425 in Silver patent are the remaining service devices in Applicant's claim. It is noted that EMS server inherently maintains an address list including the addresses of the regional IPs because EMS needs to have the addresses of the IPs in order to send update information for the subscribers (see column 6, lines 25-44). Therefore, the Examiner believes the rejection is proper and maintains the rejection.

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Conclusion

4. Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

- OR Hand-delivered responses should be brought to:

Crystal Park II, Sixth Floor (Receptionist)

2121 Crystal Drive

Arlington, VA 22202.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BENNY TIEU
PRIMARY EXAMINER

BQT
October 15, 2004